

# Proceedings

*Maine Land Use Planning Summit  
August 9-10, 2005*



**Contents Compiled by:  
The State Planning Office**

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Portions of this Summit are paid through:  
014-07B-2090-022  
010-07B-2101-012

## **I. Introduction and Context:**

We're in a time of transition in Maine in many ways; certainly we are in land use and related planning. During times of transition, we're often tempted to look for, or to want to be, a person who takes a stand and simply fixes things—or stands still! I believe firmly that leadership, especially in Maine with our town meeting tradition, requires several skills: setting a vision, creating a roadmap, listening to feedback and making adjustments to achieve the goal.

Part of leadership, then, is to give questions of change to the people who ultimately must adapt to the change. I greatly appreciate the participation we had in the Maine Land Use Planning Summit. With the Summit as a beginning, and in further review of growth management, I know we can all do our part to lead Maine to an era of land use and planning that adapts to the issues of today and tomorrow. Thanks again to all who've helped so far, and for your help to come—

*Martha Freeman*

*Director, Maine State Planning Office*

I'd like to offer a heartfelt thank you to everyone who came to the Summit and shared their thoughts about Land Use and Planning with us. Many people (including ourselves at times), thought we were crazy to convene a two-day workshop in August. But we did have 90 people join us for what was a lively and enlightening dialogue.

Our purpose was to kick-off a six-month evaluation of the Growth Management Act, as directed by Resolve 73 from the Legislature. The Resolve directs SPO to “review the efficacy of the growth management laws and identify changes in state law, policy and procedures...to facilitate more efficient and effective land use planning”. This is a big task and we need the help of many people to think through the solutions.

At the Summit, we asked for ideas to improve land use planning in Maine. People worked in small groups for two days and came up with over sixty proposals. Most of the proposals fell into one of six categories: 1) regional planning, 2) protection of natural resources, 3) clarification of state land use policies and standards, 4) greater flexibility in local land use planning 5) increased incentives and funding, and 6) a more proactive, technical assistance-based approach to planning. A straw poll showed that the group thought regional planning was the highest priority among these, followed by greater local flexibility and protection of natural resources.

A complete list of proposals and notes from each breakout session is included in this report. As always, your comments are welcome. Written comments can be mailed to use at: Land Use Evaluation, State House Station 38, Augusta, ME 04333 or emailed to us from the “Submit your Comments” box on our website at [www.maine.gov/spo/landuse](http://www.maine.gov/spo/landuse). We look forward to interacting with you as we develop our recommendations—

*Susan B. Inches*

*Deputy Director, Maine State Planning Office*

## **Participants**

The Land Use Planning Summit was open to the public and invitations were sent to over 1000 people, representing many diverse interests. Approximately ninety people attended. Groups represented included interested citizens, local officials, state agencies, professional planners, regional councils, environmental groups, advocacy groups, educators, realtors and architects.

## **State Planning Office Priorities**

While many important issues were raised at the Summit, the State Planning Office, out of practical necessity, will focus for the next twelve months on those issues most closely related to Resolve 73 (see Section VI. of this report for a copy). The Resolve asks us to focus on changes in state law, policy and procedures related to land use and comprehensive planning.

At the same time, we understand that many topics were raised at the Summit that are critically important to the future of Maine and its people. Among those were the Plum Creek project, public drinking water supplies and private property rights. We encourage others to take up these and any other land use related topics that they feel passionately about. Should any of these issues rise to the level of legislative debate, we would look forward to joining the discussion there.

We'd also like to make note of a number of issues that were not discussed in depth at the Summit, but which will be addressed in our research this fall. These include: how to provide affordable housing, the quality of comprehensive plans submitted to the state and the successful implementation of plans.

## **Immediate Next Steps**

As a result of what we heard at the Summit, there are three actions that the State Planning Office plans to take right away. These are:

1. Posting sample plans on our website. We will find good examples of plans or sections of plans from rural towns, suburban or developing towns and service centers to post as models for others to follow.
2. Developing a short, 1-2 page "Most Frequent Inconsistencies" handout that we will make available on our web page.
3. Making a commitment to deliver findings, draft findings or comments on submitted plans in person.

## **The Process: Where Do We Go From Here?**

The Summit was the kick-off of a six month evaluation of the Growth Management Act and activities related to implementing it. The next step we will take is to conduct focus groups, with the help of a professional research firm, Market Decisions. The purpose of the focus groups is to explore in depth many of the themes raised at the summit. A total of seven groups will be conducted. Eight to ten people in each of the following groups will be invited to participate: rural towns, suburban or fast growing towns, service centers, environmental groups, developers, planners and regional councils and state agencies. A report from this research will be available to the public in the fall.

Following the focus group research, State Planning Office staff will develop specific proposals and recommendations. These should be ready in the late fall or early winter for

public comment and feedback. Public meetings and comment periods to get feedback on the recommendations will be announced at that time.

In January, we will put the final touches on our recommendations and submit them to the Joint Standing Committee on Natural Resources and the Community Preservation Advisory Committee (CPAC) by our deadline date of February 1.

**Process Timeline:**

August	<ul style="list-style-type: none"><li>• Convene Public Summit, August 9-10, Orono</li></ul>
September	<ul style="list-style-type: none"><li>• Conduct Focus Group Research</li><li>• Refine Summit Proposals</li><li>• Complete Staff Research on Specific Topics</li></ul>
October-November	<ul style="list-style-type: none"><li>• Review Staff and Focus Group Research Results</li><li>• Develop Draft Recommendations</li><li>• Present Progress Report at CPAC meeting(s)</li><li>• File Bill Title if needed</li></ul>
December	<ul style="list-style-type: none"><li>• Continue to Refine Recommendations</li><li>• Solicit Public Input (meetings, comment period TBA)</li></ul>
January	<ul style="list-style-type: none"><li>• Compile Final Report</li><li>• Make Final Recommendations</li></ul>
February	<ul style="list-style-type: none"><li>• Present Findings and Recommendations to Natural Resources Committee and CPAC</li><li>• Short term recommendations: Legislation or rule changes may be introduced</li><li>• Long term recommendations: Working groups may be assigned to do further work</li></ul>

## **II. Synthesis: Questions for Further Research:**

The State Planning Office is truly appreciative of the creativity, thoughtfulness and energy that participants contributed at the Summit. Below is a summary of ideas that we plan to explore in depth in our Focus Group research. These topics were selected as the issues most closely related to the Resolve.

These are ideas only and should not be interpreted as state policy. These ideas may or may not be reflected in SPO's recommendations to the Legislature. Further, this is not a final list, as there may be other ideas that emerge from comments we receive, or conversely, this list may be narrowed down, based on the results of our research.

### 1. Regional Planning

- Should there be a regional process and rules for sharing the costs and benefits of large-scale projects such as LNG facilities or Plum Creek-like land use?
- Are there particular topic areas that are more appropriately addressed in a regional plan rather than a municipal plan, such as affordable housing, growth areas, public water supplies and transportation?
- Should there be a hierarchy of reviews, with town plans reviewed at a regional level and regional plans reviewed at a state level?

### 2. Comp Plan "Lite"

- Should there be a quick or more formula-based plan for towns that want ordinances but don't have the growth to warrant a full-scale comprehensive plan?
- Should there be different levels of benefits associated with this type of plan?

### 3. State Certification of Cities and Towns

- Should certification criteria be developed that would allow qualified cities and towns to do their own plan reviews?

### 4. Custom Comp Plans

- Should the content of plans be customized or weighted based on a combination of what the town wants and the relevance of each state goal in that town?

### 5. Planning Hierarchy and Outcome Based Planning

- What is the most appropriate level of government for carrying out various aspects of planning and development?
- Are there certain issues and tasks that are more appropriately handled at the state level? regional level? local level?
- Are there some planning issues that would be best suited to creating a state benchmark or standard?

### 6. Data Gathering

- What is the most practical and cost-effective way to assemble the data on which plans are based?

### 7. Incentives:

- What incentives could be created to facilitate planning and implementation of plans?

### **III. Summary of Proposals:**

(Arranged by theme)

The list below includes all the proposals presented by breakout groups at the Summit. We apologize if some of the wording is inaccurate. In typing up the flip charts, sometimes the handwriting is difficult to read and at other times the meaning of the thought isn't completely conveyed by the words on the flip chart.

#### **Incentives and Funding**

\_\_\_\_ Create impact fees on new residential construction

\_\_\_\_ Create meaningful incentives to plan and implement plans

\_\_\_\_ Raise non-resident property taxes and drop property taxes on low/fixed income and support affordable housing

\_\_\_\_ Review tax incentives for conserving high value natural resources

\_\_\_\_ Target state investments to communities that have adopted and implemented good land use planning ("good" undefined for now)

\_\_\_\_ State to take the lead in creating and finding grants for town and regional plans and implementation

\_\_\_\_ Provide funding to build local (sub-collector) networks to relieve pressure on state/state aid roads

#### **Simpler/Quicker More Streamlined and Responsive—One Size Does Not fit All— Greater Flexibility**

\_\_\_\_ Create a citizen review board like BEP (Board of Environmental Protection) to review plans

\_\_\_\_ Create a comp plan "Lite" for towns who want zoning and a land use plan but don't want or need a full blown comp plan

\_\_\_\_ Develop clear review standards and flexible scoring system (matrix) to meet state criteria

\_\_\_\_ Have RPCs do regional inventories (exempting towns from this task)

\_\_\_\_ Develop a "management plan" that would compress plan and ordinance development into one year, with desired outcomes specified or mandated by state and severable ordinance components based on plan components

\_\_\_\_ Prioritize state goals for each town and allow plan to be scored on those town priorities



## **Regional Planning**

\_\_\_New framework: have towns negotiate a regional vision for addressing state goals and then create local plans to meet the regional vision

\_\_\_Clarify or redefine roles/responsibilities of each level of government in meeting 10 state goals

\_\_\_Develop a state-wide comp plan or a series of regional plans that meet state goals

\_\_\_Do data gathering on a regional basis

\_\_\_Empower regional planning with local participation and ownership of regional entity

\_\_\_Abandon consistency and analyze comp plans for effective and acceptable vs. consistent solutions

\_\_\_Amend GMA to allow for multiple models based on regions and community types

\_\_\_Amend GMA to allow regional development and review of plans

\_\_\_Shift SPO emphasis to planning and working with towns upfront versus regulating

\_\_\_Facilitate multi-town cooperation to preserve rural character and revitalize service centers

\_\_\_Incorporate regional impact assessment in local land use decisions

\_\_\_Create interdisciplinary groups to review comp plans in regional context and integrated way

\_\_\_Create multi-level peer review/authority-dialogue of local comp plans (continue to use SPO for state-wide issues)

\_\_\_Create a hierarchy of reviews: Regional consistency reviews of local plans, state consistency reviews of regional plans

\_\_\_Create regional impact fees/revenue sharing allowing costs and benefits of development to be shared regionally, reducing competition among towns for economic development

\_\_\_Identify issues appropriate for regional planning and exempt towns from having to plan for these items if a regional plan is in place:

Public water supplies

Affordable housing

Transportation

Natural resources

\_\_\_Create regional plans and require town ordinances to be consistent with regional plans

- \_\_\_ Create regional planning boards to evaluate development proposals
- \_\_\_ Amend GMA to address commercial development, not just residential
- \_\_\_ Emphasize outcomes and responsibility instead of process
- \_\_\_ Articulate why regional planning is a good idea
- \_\_\_ Build regional planning on existing statute and what we have in place now
- \_\_\_ Require developers to forecast regional costs and benefits in exchange for public incentives
- \_\_\_ Amend statutes for large developments (LNG, Plum Creek-like) so that costs and benefits are allocated regionally

### **Natural Resource Protection**

- \_\_\_ Plan for future public water supplies
- \_\_\_ Protect current water supplies
- \_\_\_ Make drinking water a state infrastructure priority
- \_\_\_ Encourage energy efficient and environmentally friendly development
- \_\_\_ Use Beginning with Habitat Maps with planning boards—for local protection, zoning, etc.
- \_\_\_ Use TIFs to capture taxes to protect natural resources—use taxes from development for conservation
- \_\_\_ Consider cumulative impacts on lakes, ground water and wildlife habitat when designating growth areas
- \_\_\_ Rely on non-regulatory tools (purchase of development rights) to protect natural resources
- \_\_\_ Maintain viable infrastructure for working farms by recognizing the need for varied income supplements, and broader use of TIFs for farming, ag zoning, local adoption of setbacks from farmland, etc.
- \_\_\_ Protect natural resources component of rural character through broad local discussion and action, and have SPO respect local solutions
- \_\_\_ Maintain visual rural character locally by zoning and large setbacks

### **State Policies and Standards**

\_\_\_\_ Use STPA (Sensible Transportation Policy Act) to create a template for municipal transportation plans and SPO criteria

\_\_\_\_ Review comp planning horizon—is ten years the “right” length of time

\_\_\_\_ Protect existing infrastructure with road access management, work with land trusts

\_\_\_\_ Conserve land use through cluster development using technical expertise to determine appropriate density and uses

\_\_\_\_ Expand Maine Development Foundation’s “Measures of Growth” into a statewide strategy for conservation and development

\_\_\_\_ Get Governor’s Office to take a strong leadership role in development or coordination of state plan

\_\_\_\_ Conduct cost comparison of higher density development and improved public transportation with other kinds of development (sprawl)

### **More Proactive Upfront Technical Assistance Role**

\_\_\_\_ Provide more upfront involvement (of state agencies and RPCs) with groups of adjoining communities

\_\_\_\_ Dump Growth Management and have SPO concentrate on tools, smart growth ordinance review, education, technical assistance, policy development

\_\_\_\_ Educate the public and help find options, emphasizing the benefits of state mandates (how to prepare and dictate land use issues without telling people what to do with their land)

\_\_\_\_ Create more public involvement in comp plan process

\_\_\_\_ Show more examples of implementation of existing plans

\_\_\_\_ Develop a quick rewards system that would give an instant sense of accomplishment and competence to towns

\_\_\_\_ Build capacity for planning and implementation at the local level

\_\_\_\_ Break planning into more manageable parts

\_\_\_\_ Allow plans to be more focused

\_\_\_\_ Clarify state vision and values: does Maine state government promote growth? Try to control it?

\_\_\_\_ Reduce hostility and confrontation by having SPO act as a service agency

#### **IV. Proposals from Breakout Sessions**

(Full text of breakout session notes is in Appendix A)

##### **INCENTIVES & FUNDING**

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**PROPOSAL:** Impact fees new residential construction, graduated – only on high value - intervening in market place (real estate)

**BENEFITS:** dollars for affordable housing, workforce housing, attract and retain businesses

**NEXT STEPS:** model ordinances, local ordinances

**PARTICIPANTS:**

**CONVENER:** Ken Maguire

**Wells 10:30 -12**

*for breakout session notes, see Appendix 21 A*

**PROPOSAL:** Optional – non resident property tax rate, to drop tax to year round lower /fixed income & to support workforce housing

**BENEFITS:** relieve tax burden, keep locals

Build work force housing, boost economy, export tax burden

**NEXT STEPS:** change constitution

**PARTICIPANTS:**

**CONVENOR:** Ken Maguire

**Wells 10:30 -12**

*see 21 A*

**PROPOSAL:** Create meaningful incentives to plan & implement plans

**BENEFITS:** will make it happen

**NEXT STEPS:** -----

**PARTICIPANTS:** Rod Gorman, Jonathan Lockman. Peter Coughlan, Ann Parker, Frank Hample, Jane Lafleur, Kathy Fuller, Ruta Dzenis, Theo Holtwijk, Geoff Herman, Linda Johns

**CONVENER:** Jim Schatz

**Wells B 10-11:30**

*see 18 A*

**PROPOSAL:** Review tax incentive proposals for conserving high value state habitats i.e. tree growth open space

**BENEFITS:** conservation of resources- high level public acceptance/engagement

**NEXT STEPS:** find dollars to reimburse towns for property tax loss, explore development impact fees

**CONVENER:** Judy Gates, Aram Calhoun, Sally Stockwell

**Wells 10:30 – 12**

*see 20 A*

**PROPOSAL:** Targeted State investment to communities that have adopted & implemented good land use planning (good undefined)

**BENEFITS:** reduce sprawl of infrastructure

**NEXT STEPS:** Define good

**CONVENER:** Rich Roedner

**PROPOSAL:** State takes lead in creating/ finding grants for plan implementation dollars

Town plans and Regional plans (all kinds of funding fees, TDR/PDR

**BENEFITS:** Assistance in finding the dollars that are (available) out there.

State provides more regional plan & implementation dollars - “Pony Up”

**NEXT STEPS:** examples of towns/groups of towns have funding to 1. Study, 2. Plan, 3. Implement, 4. Etc.

(Lead) this proposal: SPO & Muskie Center & MMA & Regional Planning Commissions, MACD, Foundation center at USM & Margaret Chase Smith

**CHAMPION:** We are the champions

**PARTICIPANTS:** Frank Hample, Stephanie Gilbert, Rod Gorman, Fred Rosenberg, Jennifer McLean, Ken Maguire, Jesse Robertson-Dubois

**CONVENER:** Stephanie Gilbert

**Wells 3-4:30**

*see 25 A*

**PROPOSAL:** Provide funding to build local (sub-collector) networks to relieve pressure on state/state aid roads

**PROPOSAL:** Help cities be livable thru transportation & other public investments:

- AFF HSNS
- Open space
- Amenities
- Jobs

**Wells 1-2:30**

*see 23 A*

## **NATURAL RESOURCE PROTECTION**

**PROPOSAL:** Plan for Future Public Water Supplies - Protect Current Water Supplies - Make Drinking Water a State Infrastructure Priority

**BENEFITS:**

- Lower Cost, Clean Drinking Water
- Open Space Preservation
- Competitive advantage to town, state (clean, healthy)
- Improved public health

**NEXT STEPS:**

- Comprehensive plan emphasis on water supply planning
- Toolbox for management of water supplies
- Technical assistance for future water supply-

**CONVENER:**

Andy Tolman

**CHAMPION:**

Andy Tolman

**PARTICIPANTS:** Charlie Baeder, Paula Thomson, Jon C.

**Lobby A**

*see 5 A*

**PROPOSAL:** Encourage energy efficient and environmentally–friendly development

**BENEFITS:** Retain rural character- preserve marketable “green image” of Maine; reduce home operating costs, increase resale & tax revenue, less outside energy dependence

**NEXT STEPS:** review and develop to maximize energy efficiency (i.e. building & road orientation) - educate citizens, builders, developers, CEO's, etc. to design & build & plan in "green" methods. (Leed, energy star homes, etc.) – certification program for builders- promote appropriate higher education programs

**CHAMPION:** SPO/ S.E.O. energy/ DEP/DOT

**PARTICIPANTS:** Charlie Balder, Jen Boothroyd, Michael

**CONVENER:** Michael Mayhew

**PROPOSAL:** Using beginning with habitat maps- develop a refresher presentation and a BWHIMS- local protection by zoning- expand shoreland zones as appropriate- planning boards to review maps before approval\*

**BENEFITS:** broaden awareness- protect locally

**NEXT STEPS:** reference PB action in model subdivision ordinance and in new shore land zoning ordinance

**CHAMPION:**

**PARTICIPANTS:** Sarah Demers, Ken Hanson, Bob Duchesne, Michael Mayhew, Colleen Ryan, Kent Cooper, Andy Tolman, Onzner B, Essek Petrie, Gary Lamb, Jane Lafleur, Sally Stockwell, JT Lockman

**CONVENER:** David Cobey

**PROPOSAL:** (Cumulative impact- Use TIFs to capture taxes to protect natural resources & use taxes from development for conservation.

**BENEFITS:** conservation of resources

**NEXT STEPS:** educate public and towns about "TIF" process

**CHAMPION:** --

**PARTICIPANTS:** separate list

**CONVENOR:** Esther Lacognata

**PROPOSAL:** Cumulative Impact - consider impact on lakes quality ground water & wildlife habitat when designating growth areas

**BENEFITS:** clean water, protection of wildlife & habitat

**NEXT STEPS:** install public water systems in sensitive growth areas.

Change rules to consider cumulative impact. Mapping of critical high priority habitat

**CHAMPION:** --

**PARTICIPANTS:** Barney Boardman, R. Collin Therrien, Bill Najpauer, Andy Tolman, Bob Duchesne, Esther Lacognata

**CONVENER:** Esther Lacognata

*Mahogany A – 11-12:30*

*see 12 A*

**PROPOSAL:** Cumulative Impacts Rely on non-regulatory tools (i.e.) purchase of development rights – monitor the resources & feedback to town. (Cumulative resources)

**BENEFITS:** overcomes private property rights

**NEXT STEPS:** re-write rules consider fund for purchasing conservation land as implementation grant

**CHAMPION:** ----

**PARTICIPANTS:** - separate list

**CONVENER:** Esther Lacognata

*Mahogany A – 11-12:30*

*see 12 A*

**PROPOSAL:** Maintain viable economic structure for working farms by recognizing the need for varied income supplements, broader (regional) use of TIF structure for farming, agricultural zoning, local adoption of setbacks from farmland, local rural development committee, development impact fee

**BENEFITS:** protects rural character in agricultural areas

**NEXT STEPS:** broaden TIF use, model ordinance

**CHAMPION:** ---

**PARTICIPANTS:** ---

**CONVENER:** David Cobey

**PROPOSAL** Protect natural resources component of rural character through broad local discussion & action, SPO respect local solutions

**BENEFITS:** protects natural resource

**NEXT STEPS:** SPO review modification, encourage local focus during town discussions for a comprehensive plan

**CHAMPION** ---

**PARTICIPANTS** ---

**PROPOSAL:** Maintain visual rural character locally by zoning and large setbacks

**BENEFITS:** local satisfaction

**NEXT STEPS:** local

**CONVENER:** David Cobey

*Wells D 11:-12:30*

## **STATE STANDARDS**

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**PROPOSAL:** STPA create a template for municipalities to base their trans. Chapters on and to be used by SPO as criteria (1)

**PROPOSAL:** Review comprehensive plan planning horizon- is 10 years the “right” length of time. (2)

**PROPOSAL:** (Cost analysis) of Difference (3)

**PROPOSAL:** Cost comparison with improved public transportation (The density dilemma) (4)

**PROPOSAL:** Use old studies (4-9)

**PROPOSAL:** Protect existing infrastructure with access management, work with land trusts, relates to proposal (4)

**CONVENER:** Kathy Fuller

*Wells C 1-2:30*

*see 23 A*

**PROPOSAL:** State should encourage and conserve land use through cluster development using technical expertise to determine density and use. “Land use” 1 acre or 5 acre minimum lot sizes constitute a taking of property value or rights?

**BENEFITS:** Keeping rural character, maintain property values and use of land increased housing

**NEXT STEPS:** Wetlands bank, tax use restriction, state classification& database of wetlands by priority, create opportunities for manufactured housing solutions

**CHAMPION:** Barney Boardman

**PARTICIPANTS:** Al Waxler, Donald J. Mansius, Russell G. Martin, Jay Chace, Alan Gibson, John and Charity Dallaire

**CONVENER:** Barney Boardman

*Wells D 3-4:30*

*see 32 A*

**PROPOSAL:** Governor's office takes strong leadership role in development or coordination of state plan

**BENEFITS:** coordination of decision-making & State spending to save dollars, better guidance for local planning, Supports regional identities.

**NEXT STEPS:** year-long focus groups: MEREDA, LURC, Chambers of Commerce, MMA, FMM, Private Sector, Public @large, Commission-level involvement of all state agencies, municipalities, legislators- research other state efforts in comp/strategy planning, build bi-partisan support.

**KEY SUPPORTERS:** chairs of NR committee, state/& local, transportation, legislative committees, congressional delegation

**CHAMPION:** Governor& SPO director

**PARTICIPANTS:** Jerry Douglas, Sarah Demers, Linda Johns, Duane Scott, Jen Boothroyd, Al Waxler, Rich Roedner, Stephanie Gilbert, Jack Kartez, Jeff Romano, Ben Smith, Jesse Robertson, Anne Crimauto, Stacy Benjamin

**CONVENER:** Theo Holtwijk

*Lobby A 9:30 -11*

*see 4 A*

**PROPOSAL:** Expand Maine Development Foundation's "measures of growth" into a statewide strategy for conservation & development

**BENEFITS:** Is there existing bi-partisan support for MDF efforts? If so, one step ahead...

**NEXT STEPS:** ---

**CONVENER:** Theo Holtwijk

*Lobby A 9:30 – 11*

*see 4 A*

### **MORE PROACTIVE UP FRONT TECHNICAL ASSISTANCE ROLE**

**PROPOSAL:** provide more upfront and periodic state agency and RPC involvement with groups of adjoining communities

**BENEFITS:** establishes relevancy, hands on help

**NEXT STEPS:** ---

**CONVENER:** Jim Schatz

*Wells D 10:30-12*

**PROPOSAL:** Dump growth Management – SPO concentrate on tools, smart growth, ordinance review, education, technical assistance, policy development

**BENEFITS:** fresh start, learn from past lessons

**NEXT STEPS:** --

**CONVENER:** Rich Roedner

*Lobby A 1-2:30*

*see 6 A*



**PROPOSAL:** DOT should help towns create more comprehensive assessment of network at local/regional plan level- help = TA +/- \$

*Wells 1-2:30*

*see 23 A*

**PROPOSAL:** Educate the public and help find options: emphasize the benefits & state mandates. “How to prepare and dictate land use issues (without telling people what to do with their land)”

**BENEFITS:** Better land use compliance, less fear, better co-operation, simpler rules& ordinances, healthier environment

**NEXT STEPS:** Go to legislature for simpler rules, improve growth management, act to be more relevant, prioritize land use issues, and encourage “regional” comp plans

**CHAMPION:** Barney Boardman

**PARTICIPANTS:** David Cobey, Anne Crimando, Ken Hanson, John & Charity Dallaire, Bob Duchesne, Jim Schatz, Dick Gould, Charles Heninonen, Ann Parker, John Jenkins, Ken Maguire

**CONVENER:** Barney Boardman

*Wells A 1-2:30*

*see 17 A*

**PROPOSALS:**

1. Create more comprehensive public involvement process
2. Capacity building- PB members learn more @ leadership, public involvement, etc.
3. Show more implementation, of existing plans, “slimmer, trimmer plans”
4. Break things into more manageable parts
5. More focused plan
6. Regs for Southern Maine not applicable to Northern Maine (**regional planning**)
7. SPO develop quick rewards system- instant sense of competence, works to accomplishment Public advertising, awareness (PSAs) building public support for growth management

(Proposals from this session (7 total) (one on previous sheet))

**PARTICIPANTS:** George Theberge, Bob Hamblen, Fred Michaud, Jen Boothroyd, Duane Scott, Linda Johns, Wade Hanson, Denise O’Toole, Chris Lyman, Don Keiser, Quentin Armstrong, Theo Holtwijk, John Maloney, Ben Smith, Alan Caron, Chris Newton, Bob LaRoche, Ruta Dzenis

*Lobby A 3-4:30*

*see 7 A*

**Session V-A. Does state have a vision?**

Mixed signals, common goals needed in Augusta, Improve economy? Status Quo?

Should SPO certify plumbing inspectors?

Does Maine State Government –promote growth? Try to control growth? – react to growth?

**CONVENER** – Ken Maguire

*Wells 11:-12:30*

**PROPOSAL:** Establish dialogue between SPO and Maine Service Center Coalition  
(TASK FORCE)

**NEXT STEPS:** Fund MITF!

**CONVENER:** Jim Brown

*Little 110 - 11-12:30*

*see 3 A*

**PROPOSAL:** Reduce hostility & confrontation; act as a service agency

**BENEFITS:** lower cost approval, saves time & work, and makes Maine more attractive

**NEXT STEPS:** build freedom & flexibility into comprehensive plan, elect LURC members, and find a way to embrace growth

**PARTICIPANTS:** John, Charity, Roger Ek, Russ, Collin

**CONVENER:** Roger Ek

**SIMPLER/QUICKER/MORE STREAMLINED & RESPONSIVE- ONE SIZE DOES NOT FIT ALL- GREATER FLEXIBILITY**

**PROPOSAL:** Change the GMA to provide flexibility to communities to tailor their programs to address their issues & resources- win/win

**CONVENER:** George Thebarger

*Mahogany C 10:30 – 12*

*see 13 A*

**PROPOSAL:** Amend GM for citizen review board like BEP to review plans

Staff reviews letter to town

“Moot court” model- reviewer & director of land use team

Checklist, rules: Criteria- 10 state legislature goals

Municipal Process: TC/selected/town meeting

Comp plans, ordinances, boards, (zba/pb/cc)

Staff, developer,

Accept/ decision/ appeal/ legislature- court

Board of Comprehensive Planning - Set up like BEP/DEP

Set up through/ with CPAC

Town could present to citizen BD and/or appeal to same

**PROPOSAL:** Set up board of comprehensive planning like board of environmental protection (citizen board)

**BENEFITS:** accountability, access, acceptability to communities, fairness, relieve SPO stress, builds on existing successful models

**NEXT STEPS:** Bring proposal to CPAC, discuss with MAP & RPCs

**PARTICIPANTS:** Frank Hample, Ruta Dzenis

**CONVENER:** George Thebarger

*Little 110 11-12:30*

*see 3 A*

**PROPOSAL:** Comp Plan “Lite” for towns who want zoning, land use, etc., but don’t want full blown comp. plan

**BENEFITS:** gets planning in place, stops burn out, town’s can move on from there

**NEXT STEPS.** ---

**CONVENER:** Paul Schumacher

*Wells B 10-11:30*

*see 18 A*

**PROPOSAL:**

1. State should tell towns where the State wants to go, SPO exchange need assessments.
2. tell towns rules of the game, what will be looked at
3. state & town agree in priorities
4. flexibility to score according to mutually agreed to priorities
5. clarify how review process works
6. built in severability into plan and review
7. inventory data consolidated by county

**Mahogany. 1-2:30**

*see 15 A*

**PROPOSAL:** Develop clear review standards and flexible scoring system to meet criteria-matrix

**CONVENER:** Jim Shatz

**Wells D 10:30 -12**

*see 27 A*

**PROPOSAL:** Regional inventories use RPC as definition of region – subject to change

**BENEFITS:** allows small towns time to “plan”, saves money

**NEXT STEPS:** do it

**CHAMPION:** SPO

**CONVENER:** Paul Schumacher

**Wells B 10-11:30**

*see 18 A*

**PROPOSAL:** Create Comp plan review board with appeals like BEP

**BENEFITS:** open process, politically appealing

**NEXT STEPS:** --

**CONVENER:** Paul Schumacher

**Wells B 10-11:30**

*see 18 A*

**PROPOSAL:** Develop management plan, \* quicker process, compressing plan and ordinance development into one year. \* desired outcomes specified or mandated by the state, \* severable, ordinance components based on plan components

**BENEFITS:** flexibility current better coordination with budget cycle, closer to plain English, focus on desired outcomes rather than process

**NEXT STEPS:** revise growth management act to completely rework, metrics to ensure outcomes

**PARTICIPANTS:** Andrew Fisk, Frank Tracy, Gary Lamb, Jack Kartez, Chris Lyman, Bob Hamblen, Mike Nugent, Ken Hanson

**CONVENER:** JT Lockman

**Lobby B 10:30 -12**

*see 10 A*

**PROPOSAL:** Its goals for those that have to be – prioritize, flexibility to score according to its own priorities (see paper titled Proposal)

**CONVENER:** Esther Lacognata

## **REGIONAL PLANNING**

---

**PROPOSAL:** Establish new framework for developing & reviewing comp. plans to meet state goals: regional vision negotiated by towns for how to address state goals & local plans that meet regional vision

**BENEFITS:** --

**NEXT STEPS:** Also need state laws, local laws, & money to make work

**CONVENER:** Jane LaFleur

**Wells 11-12:30**

*see 22 A*

**PROPOSAL:** Clarify or redefine roles/ responsibilities of each level of government in meeting 10 state goals

**BENEFITS –**

**PARTICIPANTS:** Theo Holtwijk, Chris Spruce, Stacy Benjamin, Roger Ek, Anne Crimauado, Charles Heninonen, Jack Kartez, Linda Johns

**CONVENER:** Jane Lafleur

**Wells 11-12:30**

*see 22 A*

**PROPOSAL:** Develop state-wide comp plan, series of reg. plans that meet criteria

**Wells D 10:30-12**

*see 27 A*

**PROPOSAL:** Do data gathering on regional basis

**Lobby B 11-12:30**

**PROPOSAL:** Mandate stronger regional planning, explore role for regional CEOs

**BENEFITS:** eliminates problems with town lines as boundaries, landscape level planning & protection, reduce local volunteer burnout and need for constant new education, reduce costs

**NEXT STEPS:** Develop initiatives for regional planning, develop regional visions, creating structure for towns to work within, build on existing COGs, watershed groups etc.?? Establish DEP pre application education/outreach program, complete IMS for BWH, ASAP, ID regional priorities for conservation & for development tied to in--??  
Cost

**PARTICIPANTS:** Aram Calhoun, Sally Stockwell, Quentin Armstrong, Michael Mayhew, Dick Gould, Russell Martin, Dob Duchesne, Sarah Demers, Berry Boardman, Kathleen Bell, Colleen Ryan, Jeff Romano, Charles Baeder, Rich Roedner, Donald Mansius, Jen Boothroyd, LaMan Cannon

**CONVENER:** Sally Stockwell, Aram Calhoun, Judy Gates

**Wells 10:30 -12**

*see 20 A*

**PROPOSAL:** Empower regional planning with local participation & ownership of regional entity

**BENEFITS:** --

**COSTS:** micromanaging can kill growth

**NEXT STEPS:** state goals, regional planning & oversight with local involvement

**CONVENER:** Rich Roedner

**Lobby A 1-2:30**

*see 6 A*

**PROPOSAL:**

- Land use regional compacts (original session question) more flexible process (comp plan) (ideas in notes)
- Reduce bar height by weighting local participation. \* abandon “consistency”, \* how can state address regional impacts,
- State vs. Local (regional grand canyon)
- Analyze comp plans for effective & acceptable vs. “consistent” solutions

**PROPOSAL:** Land use regional compacts (original session question) more flexible process (comp plan) (ideas in notes)

**BENEFITS---**

**NEXT STEPS ---**

**CONVENER:** George Thebargé

*Mahogany C 10:30-12*

*see 13 A*

**PROPOSAL:** Amend GMA for multiple models based on regions & community types regional development/ reviews of plans SPO front load, emphasize plan vs. regulate

**BENEFITS:** flexibility, clearer expectations, better plans, better viability of plans, reduced scope of review, quicker review

**NEXT STEPS:** --

**PARTICIPANTS:** Gary Lamb, David Cobey, Ken Hanson, Ruta Dzenis, Don Keizer  
Dede Hanson, Jay Kamm

**CONVENER:** George Thebargé

*Little 140 9:30-11*

*see 2 A*

**PROPOSAL:** Facilitate multitown cooperation to preserve rural character & revitalize service centers

**BENEFITS:** Utopian society where we all live happily ever after & ride our bikes more.

**NEXT STEPS:** TDR pilot project current use taxation, rewrite all state policies, stop subsidizing sprawl

**CHAMPION:** Paula, John, & Bob

**PARTICIPANTS:** Colleen Ryan, Aram Calhoun, Bob Duchesne, Russell Martin,  
Paula Thomson, Roger Ex, Alan Gibson, LaMarn Cannon

**CONVENER:** Alan Gibson

**PROPOSAL:** Incorporate regional impact assessment in local land use decisions

**BENEFITS:** --

**NEXT STEPS:** Growth management from a State perspective, not local.

**PARTICIPANTS:** Tom Marcotte, Brad Moulton, John DeVecchio, Ron Keiser, Judy Gates, Al Waxler, Jessica Bullou, Josh MacDonald, Dean Bennett, Jack Kartez, Gary Lamb, Bob Hamblen, Sally Stockwell, Chris Lyman, Bob LaRoche, Stacy Benjamin, Andy Tolman, Jeff Romano, Ruta Dzenis, Kent Cooper, Donald Mansius

**CONVENER:** Rich Roedner

*Lobby A 1-2:30*

*see 6 A*

**PROPOSAL:** Regional/Local planning & funding

**BENEFITS:** --

**NEXT STEPS:** --

**PARTICIPANTS:** Dean Bennett, Josh MacDonald, Bill Najpauer, Paul Schumacher,  
Matt Nazar

**CONVENER:** Bill Moulton

*Wells A 10:30*

*see 16 A*

**PROPOSAL:** Create interdisciplinary groups to review comp plans in regional context & integrated way

*Wells C 1-2:30*

*see 23 A*

**PROPOSAL:** Create multi-level peer review/authority-dialogue of local comp plans (continue to use SPO for state-wide issues)

**BENEFITS:** ----

**NEXT STEPS:** ---

**CONVENER:** Jim Schatz

*Wells D 10:30-12*

*see 27 A*

**PROPOSAL:** Regional consistency reviews of local plans, state consistency reviews of regional plans, (give legal standing to regional plans)

**BENEFITS:** streamlines State review process, provides incentive for regional planning; recognizes regional differences

**NEXT STEPS:** convene meeting of RPC/Cog heads to discuss feasibility & come up with process, consider creating pilot project? Enabling legislation (market as “decentralizing State planning”)

**PARTICIPANTS:** Fred Michaud, Jay Chase, Chris Spruce, John DeVecchio, Josh MacDonald, Jonathan LaBonte, Andy Tolman, Quentin Armstrong, Rich Roedner, Doug Babkirk, Jessica Gates, Heather Chase, Colleen Ryan

**CONVENER:** Bob Duchesne

**PROPOSAL:** Create regional impact fees/ revenue sharing enable

**BENEFITS:** would allow costs & benefits of development to be shared regionally, reduces competition among towns (for economic development)

**NEXT STEPS:**--

**CONVENER:** Bob Duchesne

**PROPOSAL:** How can the comp planning process be improved (via the GMA rule/regs) to better support service center communities?

1. expand regional planning (tie to service centers) to allow for flexibility on a subregional basis (provision of services)
2. recognize limitations imposed by “% of exempt properties”
3. changes in state funding/services (to include unfunded mandates)
4. remove disincentives to development in service centers (state evaluation = county tax, educational subsidy)
5. expand areas to develop local, state, federal government facilities beyond “downtown” if current zoning allows

1. Drop requirement for “consistent” plan in service centers that currently function under existing comp. plan and /or meet requirements of “report card” for efforts to address state goals.
2. direct development & financial/technical assistance to service centers with appropriate & necessary public infrastructure
3. recognize varying needs of service centers: (growth vs. loss) (big vs. small) (rural vs. urban)

**CONVENER:** Jim Brown

***Little 110 11-12:30***

***see 3 A***

**PROPOSAL:** Identify issues appropriate for regional planning such as:

Water supply

Affordable housing

Transportation

Natural resources

(Exempt towns from having to plan for these items)

**CONVENER:** Sue Inches

***Lobby B 11-12:30 or 9:30***

***see 9 A***

## **V. Proposals and Notes (Full Text)**

### **Appendix A**



Regions:

Northern/Southern  
Coastal/Inland  
Service Centers  
Natural Resource  
Tourism

TOWN TYPES

Villages  
Cities  
Rural Township  
Inner suburbs  
Other suburbs  
resources  
Mill towns

TOWN/ CITY SIZE

capacities  
- economy  
- utilities  
- housing  
- natural

MODELS

- growth/ rural (one size fits all vs. one of several
- sprawl
- conservation zoning
- compact development
- AG zoning
- Performance zoning
- Preservation/ acquisition
- Watershed
- Economic development
- Public utilities
- Groundwater
- Combo's
- Tailoring

CRITERIA

10 State goals  
\* amend GMA for multiple models  
Apply pertinent ones

PROCESS

- pre-application
- apply pertinent state goals
- allow partial updates
- front loading review
- SPO/RPC/ COG sharing
- Regional review of plans
- Regional compact plans

GROWTH RATE

Fast growth  
Slow growth  
No growth  
Declining

**NOTES Little 110**

- 1 # 1, Sheet 1
- 2 # 6, Sheet 3
- 3 # 8, Sheet 3
1. # 9, Sheet 4

**Related Service Center issues**

1. 2, sheet 1
2. 3, sheet 1
3. 4, sheet 2
4. 5, sheet 2
5. 7, sheet 3
6. 9

**CONVENER**

**PARTICIPANTS:**

J. Brown

Don Keiser, Paula Thomson

## Lobby A 9:30-11

### STATE SMART GROWTH AGENDA

Does it make sense?

- 2003 growsmart summit
    - Governor Baldacci in keynote address mentioned a smart growth agenda
    - Has not materialized
  - What should be considered?
    - State legislature needs to decide where to put its resources
    - Executive orders?
  - Is it a good idea for Maine to have an articulated Smart Growth policy?
    - nervousness about state role
    - needs to be participatory
    - more executive orders on interagency coordination & state/municipal relationship
    - need for regional framework
    - the State of Maine needs a vision for state of Maine and strategic or comprehensive plan
  - State is “parent” towns are “children”
  - Needs combination of executive orders & legislative direction
  - Federally – funded agencies have another layer to consider
  - Broader, long-range plans are more easily accepted locally. As planning gets more focused and short-term, more tension between state & local
  - Use Maine DOT planning model statewide?
  - Have all agencies develop 2year, 6 year, and 20 year.
  - Goals much more explicit & “how to” & guidance
  - Different goals for different regions of the state
  - Need strong leadership & constant communication and education
  - Must be able to measure outcomes- indicators of success
  - Not easy to accomplish
  - Summary:
    - broad interest in state guidance/planning
    - State spending should be coordinated
    - Different regions need to inform process
    - Maine should look at other state efforts to comp/strategic plan, are there elements Maine can use?
- \* Not just SPO project
- \* Where are DECD, MSHA, IFW, Coastal Program, and DMR...?

## **Lobby A 10:30 - 12**

### **Drinking Water Protection**

Carrying capacity? Do we know it? - for drinking water, growth management, based on Hydrologic carrying capacity

Alternatives to (for contamination???) (septic systems, toxic chemicals)

- Identify future water supplies
- Future growth, water & sewer
- Growth in source protection areas

Integrate drinking water into comp plan application

Infrastructure funding (Maine extensions) protection too

GROWTH	vs.	NO GROWTH
		No road widening
		No people
		No \$\$

Limiting people limits the ability for growth.

How does welfare and subsidized housing affect growth?

Growth management can not ignore the market place

Impact fee on hi-cost development for affordable housing

Cut Maine Income taxes 20%

Limit access (wide roads)

## Lobby A 1-2:30

### GROWTH MANAGEMENT FROM A STATE PERSPECTIVE, NOT LOCAL

Emotions at local level can overwhelm logic

NIMBY

Authority has to follow to level of planning

State standards, local administration, shoreland zoning

How to develop criteria that apply across the board/state

Needs to be flexible or variable

Need a state plan – overall growth management plan or broad goals from State

Towns come from State & have whatever authority State gives them

Is Maine a growth state or a no-growth State??

Growth not happening in Growth Centers?

State has identified service centers – anything else?

What do other states do?

Is Maine's GM a success? Failure? Who is measuring?

Results more important than plans

Where does State spend its \$\$s

Dialog between local & State – do we need another level?

Provide extra tools to Service Centers

Proactive data measures & standards

Utilities	road miles
-----------	------------

Land cover	housing units
------------	---------------

Land preservation	wells
-------------------	-------

Septic permits	DEP permits
----------------	-------------

Building permits	
------------------	--

How to deal with regional impacts

State =set goals, provide tools, educate

Dump G.M – keep SPO working with locals to implement ordinances

Top down will have to come with mandate & dollars

Smart growth/good planning education leave decisions to towns

Empower regional entities made up of town members

## Lobby A 3-4:30

### BUILDING PUBLIC SUPPORT FOR GROWTH MANAGEMENT

What can the State do?

What can we do?

- Bias – we don't emphasize public engagement/involvement enough –down road, support is lacking
- Lots of creativity at local level
- Good examples of public engagement
  - Freeport village revitalization plan
  - Brunswick
  - Freeport
- Good ingredients of successful public engagement
  - Start with open process
  - Pay more attention to public process
  - Foundation: public commitment to vision
  - Lots of time, meetings
  - Open discussion of tensions
  - Get on same page/ use same language
  - New ways of outreach beyond legal requirements
  - Use pictures

Process supremely important in shaping product

Don't rest on laurels- continuous explanation

People's focus on the Local (coffee at people's homes)

Experience can lead to public hypersensitivity re: planning

Topsham example – 2 bond issues, 400+ people at town meeting (town 10,000)

How to ↑ public interest?

Use different kinds of outreach together

\* Short time frame (attrition)

3 tools: (training)

1. Visualization
2. Facilitation (professional)
3. Public relations (ads, GOTV)

Knowing when to ask for help (COG, etc.)

Complacency – how to engage public in their community

Tough to get people to talk about abstractions with out imminent threat

Not wanting to ask for help or wanting results of what could happen

Acronyms are intimidating

Cost of hiring help

Solutions – peer mentoring, towns swap technical help

Bowdoinham Rec. committee

Encourage folks to do?? before comp plan is finalized

Phippsburg:

Develop trust

Take copious notes

Acknowledge contributions  
 Take time  
 Tie info to product fairly quickly  
 Sub center chairs – written product of meetings  
 Involve selectmen throughout  
 Recognize each place is different  
 Respect people (their decisions/process)  
 Don't approach long-term projects with short term mindset/process- ongoing  
 champion for growth management area  
 Project review board ----- planning board  
 (legal constraints) (doesn't happen because of time)  
 Create 2 distinct boards (spin-off committees then possible)  
 "go to them" – look at communities with in communities  
 Introduce larger context there  
 Interactive website – question comments, with on-line responses (general dialogue)  
 Create conference/workshop to bring in experts to address problems/concerns  
 Sometimes "the public" is just 1 person - find him or her!  
 Quiet negotiation is necessary  
 Brainstorm categories of people/specific names/ personal invitations  
 Principles are known but not widely used  
 Resources: MMA, USM Muskie  
 Have a message- define s?? for people to respond to (blank sheet can be intimidating)  
 Remember public nervousness about public speaking  
 Non-planner facilitators to help translate to the public  
 Community organization  
 How to frame growth management
 

- subtext of economics – threatening
- GMA to be more flexible

## **LOBBY B 9:30 AM**

Regional planning: How do we get there from here?

PROPOSAL: defining projects issues with regional impacts and amending statutes to allow costs & benefits to be allocated regionally

PROPOSAL: Make changes to GMA necessary to allow regional planning where appropriate as an option & fund this

PROPOSAL: build regional planning on what we have now

PROPOSAL: Need to educate & articulate why regional planning is a good idea

PROPOSAL: start by identifying issues of mutual interest

PROPOSAL: state agencies need better plans that are coordinated between agencies

PROPOSAL: Emphasize outcomes & responsibility instead of process

PROPOSAL: impose zoning if town choose not to do it themselves ....create a fall back plan

PROPOSAL: Do data gathering on a regional basis

PROPOSAL: create land use policies on issues that should be considered regionally:

- Water supplies

- Transportation

- Affordable housing

- Natural resources

PROPOSAL: define what regional means & benefits & cost implications

- How to define a region?

- Shaving the benefits & costs regionally

- More requirements for developers in exchange for public benefits/incentives

- Regional plans – local ordinances, consistent with them

  - See Act250/Vermont model

- LURC role in reg. planning: need dialogue

- Require developers to project public costs into the future

- GMA should address commercial development

- Representation for regional planning, how to make it fair, current statute allows RPCs to run government

- Towns don't do what's required now

- Towns have to agree to allow RPC's to do regional staff

- No duplicate regional entities allowed \$\$ issue

- Need incremental change

- Many regional plans exist now

- Regional planning board idea



**Lobby B 10:30**

SUMMARY

QUICKER PROCESS, CUTS TO THE IMPLEMENTATION, ONE YEAR

“DEVELOPMENT PLAN”

DESIRED OUTCOMES – SPECIFIED OR MANDATED

FLEXIBILITY ALONG THE WAY

SEVERABILITY

PLAIN ENGLISH

QUICKER PROCESS LEADS TO BETTER LINKAGE TO BUDGETS

100% consistency- or lose your ordinance – not sensible

Don't make all/every plan component equally important

Confusing planning mandate with making towns met a particular outcome

How can you compress comp planning into ordinance writing and not lose long-range vision?

Mandate a particular outcome, rather than demand a municipal policy

“DEVELOPMENT MANAGEMENT PLAN”

Compress comp planning and ordinance creation to address problems, topically- less detail, short time frame

Issues need to be addressed faster than current process

Inventories don't seem to help with implementation

“Planning without preliminaries” Terry Moore

### **Lobby B 2-4:30**

- Currently voluntary – basis of support by contributors to the program
- Local issue/state issue
- Property rights, development rights/ habitat supporters
- High value habitat is maybe 0-20% of the habitat indicated
- Data quality variable
- Data is state, federal, Audubon
- Verification is on request
- Some data is outdated
- Planning board responsibility to require verifications (e.g. vernal pools) [in rule-making]
- Best use for land trusts
- Use in planning where multiple resources indicate for preservation
- Not useful to designate specific geometric areas
- Proposal for planning boards: review BWH maps before plan or permit approval
- Emphasize education

**“CUMMULATIVE IMPACT OF DEVELOPMENT ON NATURAL RESOURCES”**

1. Need more retrospection of the planning process
2. planning can get you ½ -3/4 way there but more work is required with individual properties on a cumulative basis
3. maintain a sustained effort to protect resource
4. inventory & monitor trends: create database of resource depletion
5. growth areas shouldn't trump environmental resources
6.
  - a. do annual mapping of development
  - b. create independent council for hearing of issues
7. Initially causes are outside structure of growth management along with solution
8. People = cumulative but be aware that population may move around sensitive areas
9. Consideration of developmental to large picture

## **Mahogany C 10:30 – 12**

Change the GMA to provide flexibility to communities to tailor their programs to address their issues & resources- win/win

- small town challenge (zoning)
- old rules, respect locals
- growth/rural paradigm
- conflicting goals
- inflexibility “forces” outcomes
- cookie cutter approach vs. participatory
- one size fits all (weak)
- give habitat maps authority
- necessity as mother of implementation (e.g., sharing CEOs & LPLs)
- state help vs. dictating (grading papers)
- flux for state too
- state’s “plan” vs. municipal plan discourages participation & implementation
- cusp of change
- problem of lose/lose
- influx of federal laws (wetlands)
- state must follow rules
- respect community process
- law does have process,( requires it)
- performance zoning vs. prescriptive
- negotiation process (half-a-loaf) solutions
- no meaningful distinctions between growth/rural designations in plans
- towns won’t follow data/facts (e.g. groundwater)
- problem of rhetoric (buzz words)
- going vs. grain of on-going development patterns
- size of growth areas (“too big”)
- Service centers designated as growth for neighbors?
- Regional compacts (land use vs. school districts)
- Measures of success (approve plans vs. zoning working)
- Win/win – start with half-a-loafs & build together
- Outcomes based on stamina of few participants
- Model ordinances
- Pollination of ideas between communities
- Bedroom communities (low density)
- Game theory of half-a-loaf vs. state rules
- Change:
  - Act?
  - Rules?
  - Process?
  - All 3?

- allow negotiated plans
- strip away GMA extensions (e.g. GA large enough for 10 years)
- allow more time
  - plan development
  - plan implementation

## **Mahogany 1-2:30**

Bottom – up instead of Imposing Outcome

Problem: People are made to feel we have an open-ended-disappointment when told to have an expected product.

Result: People are angry

Solution: tell them ahead of time of expectation

Issue: Should state be advocating for the way its solution, layout the essential outcomes

State should check if towns address goals – but not prejudge outcome

What level is the bottom – citizens of community inclusive?

We encourage process but not outcome- process gets corrupted if any player takes over

Outcome – voted by town

Need to look at public resources and a level higher than municipality

Issue States role in determining consistency

Procedural: more resources (from state) into planning process

1. let them know what expectation are
2. change in concept of determination- send down to regional level

Substantive: flexibility scoring- let town get its scores for own priority

Dissonance between town rec's voters & state expectation, either its top down or town meeting

Issue: Leadership vs. Advocacy

SPO professionals have to pass on wisdom

Conversation shouldn't end

Problem Severability of one section – all or nothing, inconsistent- psychological problem

Required growth area vs. rural protection, maybe not as is in current GMA

We have wasted a lot of time – comp plan

Broken ordinances

Comprehensive planning has been at the cost of improving planning capacity

Top agenda and problems from towns can conflict, counter productive

Towns should be able to address their needs – and RPC's should be able to help

One size fits all

Change emphasis from writing into results

First generation planning – based on original legislation

Issue Why don't they implement what are the town's priorities

Money better spent on ordinances

Plans are too thick- complex

Issue: SPO's interpretation of Growth CAP – opaque- ?? Consistent with rules or AD.Pr.Act

**Wells A: 10:30 -12**

SPO \$\$ to Regional councils for regionalization & comp planning farther that SPO funds need to go

Stronger voice for RPS's in development of regional goals & policies

State Criteria are fine

Interpretation is an issue i.e. smart growth stuff

Emphasize regional inventories in comp plans

Simplify local inventories in comp plan

SPO role has changed from: Service/TA to review agents/regulator

No updated regional plan, no \$\$

More input from RPC's to CPAC- particularly in affordable housing

CPAC should consult with towns and RPC's

Funding – regional fund \$ back in with \$ for regional plans & regional CIP's

Recapitalize municipal infrastructure trust fund

## **Wells A 1-2:30**

How to prepare and dictate land use issues without telling people what to do with their land.

Going to districts and getting citizens to own the plan

State mandates for clarity of habitat issues

Keep land regulations simple

Educate people on the “whys”

Community consensus

Attract public attention

Money wins

Set clear ordinances

Laws can’t be enforced

Shouldn’t need an attorney

Preplanning and education

Survey townspeople for zoning

Basic land use regulation

Encourage the majority to vote

Tailor the application. Help people find options

Is water a limiting issue?



## Wells B 10-11:30

How can small towns improve their capacity to

- do comp planning/ creative ordinance development
- review projects

Comp planning was sort of done backward – policies – inventory

Consultants can suggest strategies towns don't know how to implement

Example: Blue Hill growing rapidly, especially 2<sup>nd</sup> homes- committee – to 2xly for 2 ½ years. Comp plan deemed inconsistent in 4 cases- 2 from committee, 7 from consultant (part 25-3 ok) 8 easy to fix (??)

Example 2- Ogunquit missed shipwreck in plan-deemed inconsistent- because of town meeting schedule, inconsistent for 1 ½ years! How to address?

Recommendation: can SPO offer pre-approval review/meetings for towns like DEP pre-approval meetings? More difficult for small towns vs. towns with town councils

Can amend plan & adopt new ordinance at same time

What about creating a public comp. plan review process with appeals like BEP?

Plan consistency / state law helps if challenged legally

All towns must have shoreland zoning, plumbing codes, subdivision review

Rule 202 more helpful than checklist for volunteers

SPO should make certain documents available in PDF on website

What about a small town/large town version of comp plan resource package. Too daunting for many people- especially small towns

How to update plan good document – but too long for some. One town took each inventory & parceled out to different person – worked well

SPO should draft 1 page list of common inconsistencies

If plans missing information, perhaps SPO should first deem “incomplete” & send back then before full review

Towns do best when really committed to wanting to do it rather than tiptoeing in.

Can towns do some local planning that isn't quite as detailed as required by comp plan?

In some cases, town will adopt new policies/plans on side of comp plan cause afraid to reopen comp plan & fearing inconsistency

However, under state law, may be more flexible than towns think

What about staged benefits – fewer if comp plan not complete, more if all issues addressed

State & federal mandates for addressing issues that every town may not want to do usually have good public interests at heart

What about doing regional inventories of data & then having towns add to it with more specifics – focus on local priorities

Use planning commissions as regions for now

Must find ways to protect air, water, drinking water, then natural resources (farmland, forest land, wildlife habitat, which are state responsibilities than local priorities??

## Wells C 9:30

### MUNICIPAL COMPLAINTS ABOUT COMP PLAN PROGRAM

If the committee was here, what would they be saying?

1. volunteers have not technical background – need policy options
2. citizens asked to meet goals set by others
3. no template
4. unfair that it is black or white, inconsistent or consistent (nothing in between)
5. Municipalities have to follow plan, but state doesn't have to. Agencies should respect land use plan
6. Unrealistic – too much work, \$\$\$ for consultants?
7. Heavy data packet- why submit what the state already knows?
8. lack of respect of local feelings/ local decisions
9. growth/rural- accommodate projected growth poor fit to reality “growth area too big” don't in consistency want a growth area
10. Growth area designation benefits a handful of families...too personal scale
11. burn-out, list, wheel spinning
12. review time too long, not enough staff
13. staff inflexible- according to town's viewpoint
14. agency comment overkill
15. plan “sounds like” open ended process the town controls, conflicts with mandated outcomes—that lead to inconsistencies
16. (some written rules not enforced vs. specific review comments not supported by rules)  
rules outdated, too specific or not appropriate
17. doesn't make sense out there, confusing for truly rural towns, SG emphasis Great American Neighborhood
18. citizen participation leading to weaker plans “bold” makes people feel “chicken”
19. what was consistent then, isn't consistent now, under same rules
20. strayed too far from original c.p. purposes
21. punishment of invalidated zoning doesn't fit the crime of inconsistency
22. Appeals? board to go to? Conditional, consistency- pre-approval, one to two years to respond to inconsistency letter ruins process
23. demoralizing, everything happens at the end
24. Capital investment plan counter to tradition of town meeting needs some clarification dates & amounts? Roads- fire trucks
25. timing of inconsistencies
  - census data is not current enough when plan started in '99
  - access management not included when it didn't exist
  - not mentioning the two tribes casino in Sanford
26. forgetting to say that you need to say something doesn't need to be done  
No lake fishing in Ogunquit

IDEAS

- affordable housing subdivisions & habitat intrusion
- 2006 Maine land Use Planning Doc (DOT)
- Charge 15% for every \$1M for affordable housing on coast
- Social & ecological tools for planning
- How much habitat is enough? Priorities? 2 towns working together to id growth areas & rural areas
- Include working farm & forest land
- Interest in visual conservation?
- Clean water
- \*cumulative impacts
- Potential to id where impacts exist & how relates to remaining jewels
- CEO's enforcement needs to be strengthened! Not enough happening at local level
- CEO's working at regional level or serving multiple towns might be helpful but problem with towns having different ordinances
- State support for local CEO's & coordination between local & state jurisdictions inadequate
- Limitations with BWH – town by town need more regional vision/priorities
- Rare plants have no legal status unlike animals
- Need to map existing impacts, growth/rural areas etc. to begin seeing multi-town landscape
- BWH could be a powerful planning tool
- Need more examples/success stories for how BWH data has been used by towns
- Nature's lines are different from town lines
- Need better funding for natural resource agencies
- Need more conversations with towns on how certain decisions affect costs- transition DEP permit review staff- pre-permit review/advise
- Transportation not town-based – need regional vision for towns & DOT to plug into
- Need to look at using existing staff more effectively, more efficiently
- Need to help public, students understand planning better
- What incentives can we use to help towns plan, etc on multi-town level TIFs. TDR, cluster development etc.
- No regional vision for individual town to work within
- Sometimes disconnect between protecting habitat & private property values & those who show up early vs. late
- High density growth along coast becoming a problem – doesn't fit with level of driving needed
- Treat coastal vs. central vs. mountains differently?
- How to put economic value on private property?
- \* tax policy easy to determine
- Infrastructure inadequate to support summer population increases on coast

- Mitigation bands could be used with areas i.d. as state priorities- targets larger more important areas than small disconnected??
- How do we take BWH data & priorities to protect resources on private land
- Not enough \$\$, so what are the other tools
- What's the right boundary for planning & action – town, multi-town, “region”?
- Estate tax or other tax on \$M homes to help with other housing, planning, habitat protection
- Real estate transfer tax must be closely tied with purpose of receiving funds.
- Incentives for denser growth/smaller lot sizes needed
- TDRs may work for corridors – open space
- Some wetland mitigation pretty tenuous
- Dense growth must be coupled with habitat/rural conservation
- Regional visioning can help guide/ influence what developers do- i.e. Moosehead lake Region
- Need stronger state government – 492 towns all trying to figure it out- costs too much! Too inefficient- more minimum standards on more issues?
- Regional differences must be considered if develop mission statement for vision/plan
- How to reconcile differences between local, regional & State visions?
- State Plan for future?

Wells C 11 – 12:30

IS THE COMP. PLAN THE RIGHT VEHICLE FOR  
CARRYING OUT THE 10 STATE GOALS

- if these goals are important, how will they be protected if not thru plans
- if state feels these are important- they should be mandated through legislation
- comprehensive plans are not law
- state standards for ordinances rather than comp plans
- yes, but not only vehicle
- clarify role of each level of government in meeting state goals
- need goal or principle re: preserving rights& freedoms
- determine “consistency” at regional level with regional vision/goals, that address state goals
- need regional framework with indicators of success identified regionally for each state goal with periodic evaluation
- feasible if incentives
- for these areas that need state level regulations, state subdivision law & shoreland zoning model could be used as models for other local ordinances, such as:
  - Aquifers
  - Erosion & seed control model
  - High elevations development standards

## Wells C 1-2:30 pm

### Integrating Transportation & Land Use Planning

- Tools to be used vs. end all/ be all
- Access on major roads
- Reliance on roads – can it be integrated?
- If we don't, haphazard growth
- Transportation = access; planning for use or land starts with access to it
- Corridors bring development pressure
- Need longer term planning
- Non-point source/water quality
- Transportation= land use = economic development
- Regional & local implications
- Management inadequate
- Transportation serves land use and shapes land use
- Protect state investment – move goods/people efficiently
- How transportation can be an incentive to good development
- Site law not doing all it can
- Communities more reactive/ than proactive
- Access management/safety
- How transportation investment changes land use patterns
- Impossible but unavoidable
- Affect of transportation on habitats
- Not how to do it - but how can growth management foster integration
- Costs \$\$\$ - follow the \$
- Traffic is most evident aspect of change
- Transportation links us.
- Plans are not cast in stone; can/should adjust as needed
- Think long term
- Coordinate/communicate
- DOT provides T.A. but not land use transportation planning assistance
- Need for model access management ordinances
- Not a vacuum
- AM safety speed management drainage
- Replacement cost of arterials huge
- overlay zoning as a tool (corridor planning
- Demands for lower speed c? (local)
- education
- pacts 7-14-terms automobile dependent
- no local roads except dead ends
- major bypasses
- nothing in between
- STPA amendments

- HSNS is trans R strategy
- Making service centers more attractive – state responsibility ( livability)
- What is role of private?
- How do you fund alternate routes
- Federal \$\$ have strings
- Town has to commit to values of preserving assets
- TIFS & impact fees as older tools
- Other tools?
- Reg. infr. Gap
  - - developers
  - - towns
  - - county/ MPOs
  - - state
- All have to be part of the solution
- Advocacy for reg. trans. Planning for expanded GRID (implementation tool)
- How are towns doing, responding to state trans. Needs
- To what extent is land use considered in 6 year plan & work plan
  - - quality of life criteria
- Sensitive traffic movement permit to local comp plan ordinance
- DOT needs towns to define context for projects
- Other agency (public, others) in prioritize criteria
- Need interdisciplinary group to review comp plans in an integrated, regional context way
- Integration of strategies with in plans
- Consistency of reviewers lacking
- Recommendation: review horizon communities need to plan for as per act
- Consider sun setting “consistency” from a transportation perspective
- Use of simulation/ visualizing and scenario planning
- Cost up front- savings later
- STPA template with basics
- Economics?

## Wells: 3-4:30

### SPO GRANT PROGRAM FOR PROMOTING REGIONAL COORDINATION

Agriculture landscape crosses town borders therefore regional support & coordination are needed- \$\$ needed not only for Agricultural economic development but other town/inter town issues.

KCSWCD – Kennebec towns & lakes mission area, all but \$4,000 county \$ comes from grants. Using EPA 319 NPS grants to do land use related planning. \* think creatively to find funds, watershed – regional

Construction \$ -road maintenance planning = carrot to do planning & implementation

Money is good it means action

- how to diversify funding – fee for services & technical assistance to municipalities ( groups of towns)
- South Bristol. Comp plan committee “Is there any grant available for this or that?”
- Key money words- water quality in Bristol eliminate overboard discharges, but more grants needed, most clam flats are closed.
- ? To Bristol = can town put a lien on property owner to cover costs?

Bristol – state mandate to sunset all overboard discharge systems

This is an example of state decision leveling the playing field for all towns

Southern Maine Regional Planning Commission writes grants with assistance from SPO has a history of partnership with scientific expertise (Wells Reserve) & 319 grants; did smart growth session with USM; community wellness coalition

About 319 funds – strategy to get towns as partner & in next year, town writes proposal & implement with lake association or conservation committee, etc.

Administering 319 grants take a lot of time capacity

Regional planning comm... weigh likelihood of funding before going forward with grant

Clifton – how fund implementation of the comp plan?

1. hunt for connections between town objectives & grant programs,
2. SPO should be mandated to provide an index of every grant available to implement comp. plan in any area that SPO has an interest: government or quasi-state or federal, Grow Smart or federal
3. grantors should advertise
4. Federal registry is huge; the State should have a full time grant writer & staff for big \$\$s.

Land and right of way appraisers lend knowledge, feasibility & economic studies, cash flow & \$ sources for purchase/sale of development rights.

FACT: Solon, Athens, DOT appraiser not finding a difference in land values/markets between properties enrolled or not enrolled in current-use tax programs....land is probably not ready for conversion to highest & best use, vs. cost of withdrawal penalty being factored into recent sales

Raising & spending excise tax in South Bristol – not “spoken for or committed” until actually in hand. = possible source of local partial match for other state grants.



Other innovative excise taxes i.e. impact fees are working in Maine. In Massachusetts an impact fee on types of commercial development that channel funds to preserve other resources - water quality, farmland, clam flats- 2 examples in Maine of multi-town tax? Auburn-Lewiston share the tax base at airport.

First Park – Oakland

Urban impaired, stream mitigation & small amount of \$\$\$

Wells D 10:30 - 12

## ROLE AND RELATIONSHIP OF SPO TO COMP PLANNING AND GROWTH MANAGEMENT

SPO planning for state vs. planning for municipalities

Need more guidance from SPO – define carrot & stick

What are real benefits to comp plan?

People need more benefit than “it’s a good idea”

Grant preference to....what else

What is downside to State if you have comp plan?

SPO should spend more time looking at a State Plan rather than local planning. Help towns reach their own goals

SPO should plan for unorganized territories

People need help- better communication between town, state and developers-access, transportation so town understands development process

Bad relationship between SPO & municipalities

- assistance role of SPO – data, info, technical assistance
- quasi- judicial role of finding plans
- “consistent” – critical to land use ordinance

Towns do not what state standards are

Letters from SPO crush spirit of planning in our towns

Accentuate the positive

Growth rate & building cap ordinances letters from SPO condemns planning because town has not met standards for there are no state standards.

6 rate ordinances but no legislative guidance

Minimum lot size

Affordable housing

Expectation of SPO for each town should be tailored to town

What should the role of other state agencies be with SPO 7 other towns? Regional emphasis

Municipal boundaries are only one consideration, only regional impacts of development/transportation

Each town should have general plan, compatible with neighboring towns!

State does not have standards to review comp plans

SPO need to understand what towns need

State needs to overlook plans with guidelines to meet overall goals of State

Why should SPO be judicial body to determine consistency? Retain quality of life? Why is state determining this? If standards needed – show up front

Should RPC determine consistency?

Should panel of peers do this?

Mandate that towns talk to neighboring towns! Up front

Philosophical differences in “managing growth” – how can towns reach state goals- need lists of 100 ways to meet this goal.

GMA modeled after idea- if state is going to INVEST RESOURCES IN  
MUNICIPALITY – you must meet state goals  
SPO reviews plans in pre-judicial way- before they go to court  
Goals within act are not consistent – by design economic develop/conservation  
Alternative- matrix- with scores- how plan meets certain standards  
State set-up reactionary process-  
Need resources to meet towns planning needs from beginning  
Interstate agency “swat team” to meet with each town at beginning of planning process  
RPC’s don’t play a role and they should-in plan evaluation  
Grants for planning to group of towns – all state agencies help that group  
Need incentives to address hard issues  
Specifics to topics – for incentives  
How can RPC’s be used in review of plans? Is there a conflict of interest?  
Would land use look different if SPO did not review plans?  
Frame regional issues first, need regional vision  
Role of SPO – how to protect quality of life? Remove SPO role  
How can towns grow together & not hurt each other?  
Can municipalities be accountable to each other?  
Procedural changes  
    Broad guidelines at beginning of process  
    Judging at reg. level  
Standards - know in advance  
    - flexibility in choice of methods to reach standards  
    - more sharing between towns  
    - matrix system – how you score in each

## **Wells D 11 – 12:30**

What really “protects” Maine’s rural character?

What is rural character? Inherited large properties vary locally?

Visual or resource based?

Most of it is private property

Village with open surroundings

What incentive to preserve it?

Its productivity

Tax relief (a loss locally)

What protects rural character?

- not 5 acre zoning
- its productivity
- tax relief/land trusts
- public consensus
- enabling owners to keep their large properties
- setbacks & undisturbed setbacks
- develop only along existing roads
- locally developed measures

Different needs for:

Agricultural communities

Developed/developing areas

European model- clear separation of agriculture & habitations  
(exclusive agricultural zoning)

Adopt policies& measures that enable farmers in rural areas to continue to be productive

- current use assessment

## Wells D 1-2:30

What is rural character?

Land for: hunting/fishing

Recreation

Farming (smelly)

Wildlife

Scenic (what you can see from the road)

Passive rural

2 acre lots?

No new people

Depends on where you are

How do we encourage density with economic incentives for developers & making these areas desirable for people living there?

- definition of rural character is too slippery to be specific
- protect habitat for wildlife
- discouraged residential growth in the past
- encourage urban residential
- how do we keep the young people who want more urbane lifestyles
- market realized demand for urban infill
- urban & rural areas need to be addressed in tandem-not as separate issues
- character will change and zoning need to be flexible enough to keep up
- sprawl – expensive- eats habitat
- economics favor keeping people in service centers
- why bother:

To provide for future resource needs (food/fiber)

Scenic values

We like it the way it is

Farming & forestry lifestyles

How: easing regs that make it more pleasant to live/develop urban infill, transfer development rights, easements; large lot zoning (doesn't last)

How do we deal with change in ownership?

Most development in Maine is from subdividing lots

Service centers may be more developable if we had fewer standards/requirements for urban infill

Can towns even implement these ideas?

Problems with open space – it becomes a dump

How do we change?

- people choose where to live based on \$
- must combat the affordability of Housing
- need the best schools in service centers
- do we need a growth area in every town – what about a more regional approach
- pair or share rural areas with service centers
- don't penalize rural towns i.e. Alna/Wiscasset
- need tax base sharing for this to work

- can state develop model ordinance for this increase responsibility of regional planning
- commissions to watchdog development right and work between towns

#### How do we fund sprawl

- limit growth- don't approve the road
- regulatory/nonregulatory
- open space farmland development fees to purchase development rights TDR
- current use taxation vs. highest use
- reduce taxes in Service Centers
- Some towns pay the taxes on special areas
- Fund a transfer of development rights- demonstration project
- 77,000 acres of forest land gained each 7 years – at the loss of farmland?
- Desprawl happening in rural areas
- Division of forest land down south has made logging uneconomical on smaller parcels
- Tell people what critters need- 25 sq.mi. for bear, etc....
- Conversations about sprawl in southern Maine tied to economic development for Northern Maine
- What fits in Southern Maine doesn't fit in Northern Maine

## **Wells D 3-4:30**

“Land Use” – 1 acre or 5 acre minimum lot size – does either constitute a “taking” of property value? Or rights?”

Calculate density rather than acreage

Apply technology to determine density

Tax use restriction

Regulate actual use of land vs. acre size

Control of wetlands (tax break) banking with the State

State classification of wetlands – what is a wetland?

Prioritize wetlands in a database

Market determines property value

Wages aren’t keeping pace with inflation

Utilize existing housing where available

Cluster housing should have adequate plumbing & maintenance facilities

Make sure cluster housing assures reasonable traffic situations





## **VI. Resolve 73**

### **Appendix B**

## CHAPTER 73

H.P. 211 - L.D. 286

### Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine

**Sec. 1. Study; purpose. Resolved:** That the Executive Department, State Planning Office, referred to in this resolve as "the office," shall undertake a study of current state law, policy and procedures regarding land use planning, management and regulation. The purpose of the study is to review the efficacy of the growth management laws and to identify changes in state law, policy and procedures, if any are needed, to facilitate more efficient and effective land use planning; and be it further

**Sec. 2. Advisory group. Resolved:** That, in order to take advantage of various experiences and perspectives on the issue, the office shall seek input and advice from an advisory group composed of, but not limited to, representatives having municipal, regional, state, economic development, natural resources and professional and academic planning and policy perspectives; and be it further

**Sec. 3. Issues to be considered. Resolved:** That, in developing proposed and final recommendations, the advisory group created pursuant to section 2 and the office shall consider the following related issues:

1. Assessment of the procedures, policies and rules of the office for reviewing comprehensive plans and growth management programs and development of options for improvement;

2. Assessment of local efforts to implement the growth management laws and the State's efforts to support the laws, development of options for improvement, including but not limited to opportunities for greater recognition and reward for managing growth pursuant to the growth management laws, and clarification of the State's role in ensuring compliance with state land use law and policy; and

3. Development of options for improvement of comprehensive planning statewide, including but not limited to recommended changes to: the focus and contents of local comprehensive plans; local,

regional and state procedures for development,  
review and coordination of comprehensive plans; and  
the growth management laws that would result in  
better land use planning; and be it further

## **VII. People Submitting Written Comments**

### **Appendix C**

We wish to those who have thoughtfully submitted written comments to us, prior to the Summit:

Esther Lacognata

Dan Fleishman

Don Kaiser